

EXHIBIT

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**DECLARATION OF STEPHEN THOMPSON
PURSUANT TO 28 U.S.C. § 1746**

I, Stephen Thompson, hereby state that I have personal knowledge of the facts set forth below. If called as a witness, I could and would testify as follows:

1. I am a U.S. citizen over the age of 18.
2. I have a Dell computer that runs Windows Vista. In approximately June 2008, I received an email that said it was from Antivirus 2008 and asked me if I wanted to run a free scan of my computer. I was using PC Tools at the time and was not that happy with the program, so I decided to run the free scan.
3. I ran the scan and it told me that I had approximately 700 viruses on my computer. I decided to run PC Tools to check this out because it seemed like it was a fake, and PC Tools said I did not have any viruses on my computer. I received a pop up from Antivirus 2008 asking me if I wanted to buy the product and I could not delete this pop up. I repeatedly tried to “x” out of the pop up, but it would always come back. I also received Microsoft Windows screens saying that I could not access the Internet because I had an antivirus problem and it mentioned Antivirus 2008 on the screen.
4. For two weeks, I was unable to access the Internet and I kept getting the pop up on my computer asking me if I wanted to buy Antivirus 2008. Finally, after two weeks, I bought the product just to be rid of the constant pop ups and to be able to use my computer again.
5. It turns out that when I thought I was purchasing Antivirus 2008, I was really also buying a product called “System Doctor” because when I got my charge, it was \$100 for both products. I did not authorize the charge for System Doctor.
6. Once I purchased the product, the pop ups went away.

7. I decided to call the customer support number at 800-467-1077 to cancel my order because I only bought the product to stop the pop ups.
8. I then disputed the charge with my credit card company and I was able to prevent the charge from being assessed on my credit card.

I state under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Date: 10/10/08

Stephen Thompson

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